

Atty. Docket No.: 42P18598

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

In Re Application of: Newburn, et al.

Examiner: Farrokh, Hashem DEC 18 2007

Application No. 10/750,715

Art Unit: 2187

OFFICE OF PETITIONS

Filed: December 31, 2003

Confirmation No. 1390

For: Processor And Memory Controller
Capable Of Use In Computing System
That Employs Compressed Cache Lines'
Worth Of Information

CERTIFICATE OF TRANSMISSION

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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF ISSUE
UNDER 37 C.F.R. 1.313(c)(2)

Dear Sir:

The following is a statement of pertinent facts detailing a "specific and significant defect" in the allowed application that warrants approval of the present request to withdraw the above identified application from issuance and permit entry of a Request for Continued Examination (RCE) as provided under 37 CFR 1.313(c)(2). See, MPEP 1308.I.B.

12/20/2007 CKHLOK 00000004 022666 10750715

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Appln. No. 10/750,715
Petition To Withdraw from Issuance Under 37 C.F.R. 1.313(c)

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Atty. Docket No.: 42P18598

1) Exhibit A, attached, details the paperwork that was generated for the above identified application for review by the attorney responsible for reviewing the case file prior to payment of the issue fee. Note that the paperwork, consistent with our standard procedures, includes: i) the Notice of Allowance mailed by the PTO on 5/29/07 (including a 1449 form initialed by the Examiner); and, ii) a sheet of paper (last page of Exhibit A) detailing the family of foreign application activity for the above identified application.

2) Note that item ii) of Exhibit A only identifies the present application (P18598) and a PCT application (P18598PCT).

3) Exhibit B shows the actual family of foreign application activity for the above identified application. Note that Exhibit B lists a Chinese counterpart to the above identified application (P18598CN). Thus, item ii) in Exhibit A is incorrect.

4) Consideration of 1) through 3) above leads to the conclusion that the attorney responsible for reviewing the case history of the above identified application prior to payment of the issue fee would not have been aware of the existence of any national phase foreign applications because item ii) of Exhibit A contains incomplete information. That is, item ii) of Exhibit A fails to list the complete family of applications which, as shown in Exhibit B, includes a Chinese counterpart. This error was due to the failure to properly record the existence of the Chinese counterpart in the database that generated item ii) of Exhibit A.

5) Exhibit C shows the translation of an Office Action received from the Chinese Patent Office on June 22, 2007 for the Chinese counterpart to the above identified application. Note that it includes a substantive rejection of claims similar to those about to issue in the above identified application.

6) The attorney responsible for reviewing the case history of the above identified application prior to payment of the issue fee, because of the unfortunate error in item ii)

of Exhibit A, was simply unaware of the existence of the Chinese counterpart and was unaware of the existence of the Office Action from the Chinese Patent Office when approval for payment of the issue fee was given.

7) After payment of the issue fee, the attorney responsible for responding to the Chinese Office Action became aware of the mistake in item ii) of Exhibit A and, in response thereto, has submitted the enclosed request to withdraw the present application from allowance so that the US Examiner may consider the Chinese Office Action in an Information Disclosure Statement (IDS) filed pursuant to a Request for Continued Examination (RCE).

8) The claimed subject matter of issued Pat. No. 7,257,693 appears to be related to the subject matter claimed by the above identified application. In order to obviate any allegation of double patenting with respect to the above identified application and the '693 patent, the Applicants have included with the aforementioned RCE an amendment to the claims of the above identified application that: i) adds additional patentably distinct subject matter to the independent claims; and, ii) cancels claims directed to a type of compression. The enclosed IDS also includes U.S. Pub. Pat. No. 2005/0114601 which was cited in the '693 patent but is not yet of record in the above identified application.

In view of the above, the Applicants respectfully request withdrawal of the present application from issuance and entry of the RCE and IDS so that the US Examiner may consider the enclosed IDS and claim amendments.

Authorization is hereby give to charge our Deposit Account the fee of \$130.00

Under 37 C.F.R. 1.17(h). If there are any additional charges, please charge Deposit

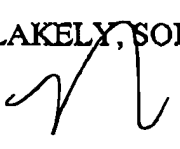
Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: _____

12/18/07



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Deliver to: Farrokh, Hashem, USPTOArt Group: 2187Facsimile No.: (571) 273-0025Date: December 18, 2007From: Robert B. O'Rourke, Reg. No. 46,972Our Docket No.: 42P18598Number of pages 51 including this sheet.Application No.: 10/750,715Filing Date: 12/31/2003

Docket Due Date(s): _____

Enclosed are the following documents:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Amendment: <u>Response</u> (<u>11</u> pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (_____ pgs) | <input type="checkbox"/> Notice of Appeal (in duplicate) |
| <input type="checkbox"/> Application: _____
(_____ pgs) w/cover & abstract) | <input type="checkbox"/> Petition for: _____ |
| <input type="checkbox"/> Assignment & Cover Sheet (_____ pgs) | <input checked="" type="checkbox"/> Request for Continued Examination (RCE) |
| <input checked="" type="checkbox"/> Certificate of <u>Facsimile</u> | <input type="checkbox"/> Reply Brief (_____ pgs) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Declaration & POA (_____ pgs) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Drawings: _____ sheets, _____ figures | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: _____ | <input type="checkbox"/> Response to Written Opinion (_____ pgs) |
| <input type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Terminal Disclaimer |
| <input checked="" type="checkbox"/> IDS & PTO/SB/08 (<u>5</u> pgs) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input checked="" type="checkbox"/> Other: <u>PETITION FOR WITHDRAWAL OF ISSUE UNDER 37 C.F.R. 1.313(c)(2) with Exhibits A-C (24 pages)</u> | <input type="checkbox"/> Transmittal Letter |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.


 Carla Vignola

12/18/2007

Date

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